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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,699	05/16/2005	Philippe Catteau	047578/286155	8621
826 7590 06/26/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MAI, THIEN T	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/517,699

Applicant(s)

CATTEAU ET AL.

Examiner

Thien T. Mai

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 18-30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 18-30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Acknowledgement**

1. Acknowledgement is hereby made of the amendment filed 1/24/2007.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim(s) 1, 18-22, 25-30 is/are rejected under 35 U.S.C. 102e as being anticipated by Blanc et al. (US 6,437,985)

an electronic label comprising a housing (for housing antenna and related components) having at least one wall, a display disposed along the wall (1), and an antenna (2) of extending along the wall in such a manner as to constitute a stack with the wall (Fig. 1-2, 9), the antenna extending at least partially around the display (Fig. 6 shows a display on the label having a printed barcode).

18. (New) The electronic label of Claim 1, wherein the antenna comprises a conductive patterned material disposed on a supporting sheet (Fig. 10)

19. (New) The electronic label of Claim 1, further comprising an insulating layer (22), wherein the antenna is disposed between the wall and the insulating layer (Fig. 9)

20. (New) The electronic label of Claim 19, wherein the insulating layer comprises a decorative layer (col. 3 lines 49-58, col. 9 lines 63-64: film 22 can be deposited with decorative information)

21. (New) The electronic label of Claim 1, wherein the antenna comprises a wire antenna (each antenna turn is a wire)

22. (New) The electronic label of Claim 1, wherein the antenna comprises a first antenna head and a second antenna head (heads are interpreted as antenna ends -see col. 6 lines 14+)

25. (New) The electronic label of Claim 22, further comprising an electrical bridge connecting the first antenna head to the second antenna head (bridge is interpreted as strap 11, 12 in Fig. 5)

26. (New) The electronic label of Claim 22, further comprising a flat cable (7, 8, Fig. 2-4; note that flat cable 115 in Fig. 13 of the current application comprises 3 segments 111-113) connected to the first antenna head and connected to the second antenna head.

27. (New) The electronic label of Claim 26, further comprising an electronic circuit, wherein the flat cable connects the antenna to the electronic circuit.

28. (New) The electronic label of Claim 27, wherein the flat cable comprises at least one tab (6) soldered to the electronic circuit (Fig. 2-4)

29. (New) The electronic label of Claim 28, wherein the tab defines an opening in which solder is disposed.

30. (New) The electronic label of Claim 27, wherein the wall defines an opening through which the flat cable is passed (Fig. 2-4)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 23-24, 34-36 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc et al. (US 6,437,985 B1) in view of Kuroda (US 6,585,165 B1) further in view of Suga et al. (US 6,427,065). The teachings of Blanc et al. have been discussed above.

Blanc et al. fails to teach or fairly suggest limitations of claims 23, 34-35.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the display, i.e. the barcode shown in Blanc et al., fit in between the antenna heads with purposes of using less ink and printing only required information thereon; one skilled in the art would further recognize it is merely a matter of size and/or parts re-arrangement. See *In re Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) and *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Kuroda et al. discloses a mica capacitor 5 between the heads/ends of the antenna (Fig. 10A). The mica is incorporated in layer 11 that seals the antenna components (Fig. 6C) and comprises metal plates 7a, 7b. When incorporating this teaching to Blanc et al., the decorative layer can include this capacitor (see also claim

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20 above). Thus the combination of the antenna heads and the display/decorative layer having the mica would make the mica acting as a capacitor. The mica is also interpreted as the bridge, which comprises electrodes/tabs 7a-7b (Fig. 2A-2B). Note that from reading of the specification of the instant application (see pub, it is unclear as to whether the taps 111-112 are pre-made with an impedance that matches with receiving RF signal without requiring additional circuit or do they serve as parameters that aid an impedance matching means since on page 7 line 25 merely states "tabs 111, 112 serving to match impedance". Therefore, it is interpreted as if they are used to aid the impedance matching means.

Kuroda et al. is unclear with respect to the bridge serving as impedance matching aid.

Suga et al. discloses a matching circuit and/or chip (Fig. 4-5, 14) that uses the antenna coil and capacitor 25 to variably match the impedance of the desired power supply voltage to internal circuits (col. 2 lines 45+, col. 3 lines 20+, col. 9 lines 45+, col. 14 lines 29+)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kuroda et al. and Suga et al. in order for the power voltage for the label's internal circuit to be controlled thereby minimizing possible failures.

### **Remarks**

The examiner sincerely thanks Applicant for the election for the restriction requirement. As indicated in the restriction, Upon the allowance of a generic claim, applicant will be

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entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant is respectfully urged to further limit the claim limitations to place the case in allowable condition. Currently, independent claim is still very broad at least in a sense that "display" can be interpreted as anything that is visible on the label.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ikefuji et al (6,404,644)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thien T Mai  
Examiner  
Art Unit 2876

TM

June 07

  
**MICHAEL G. LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**